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Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 20 September 2011 to 6 January 2012)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1969 (2011), by which the Council extended the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) until 26 February 2012. It covers major developments in Timor-Leste and the implementation of the Mission's mandate since 20 September 2011. My Special Representative, Ameerah Haq, continued to lead the Mission and coordinate with United Nations system actors and other stakeholders. She was assisted by my Deputy Special Representative for Governance Support, Development and Humanitarian Coordination, Finn Reske-Nielsen, and by my Deputy Special Representative for Security Sector Support and Rule of Law, Shigeru Mochida. UNMIT continued its "one United Nations system" approach, consistent with its integrated strategic framework.

II. Political and security developments since 20 September 2011

2. The overall situation in Timor-Leste remained calm. Political parties continued their preparations for the 2012 presidential and parliamentary elections, with several parties holding national congresses, including the Partido Democrático (PD), the second largest party in the Alliance for a Parliamentary Majority (AMP) Government and the third largest party in Parliament. Party leaders continued to call for security and stability during the electoral period. In his speech on 28 November, the thirty-sixth anniversary of the Timor-Leste Declaration of Independence, the President of Timor-Leste, José Ramos-Horta, commended all Timorese for contributing to a positive atmosphere of peace and hope. As a follow-up to the dialogue among national leaders co-hosted by President Ramos-Horta and by the Bishop of Baucau on 26 July (see S/2011/641, para. 11), another meeting is planned to be held prior to the elections.

3. On 6 October, President Ramos-Horta hosted a ceremony in Dili to mark the handover of functions from the outgoing Commander of the Timorese armed forces (Falintil-Forças Armadas de Defesa de Timor-Leste (F-FDTL)), Taur Matan Ruak, who resigned on 1 September 2011, to his successor, Major-General Lere Anan Timur.

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4. Parliament continued to serve as a critical forum for debate. On 25 November, after 13 days of debate, it approved the 2012 State budget; totalling $1.67 billion, up from $1.3 billion in 2011, it is Timor-Leste's largest-ever budget. The Prime Minister, Kay Rala Xanana Gusmão, and other members of Government were present throughout the debate, which was broadcast live on national radio and television. The rejection of the Government's proposed allocation of $200 million to the Timor-Leste Investment Company, with votes from both Government and opposition parties, exemplified Parliament's increased assertiveness in its oversight role, and reflected Members' concerns about the perceived lack of transparency and parliamentary supervision in the execution of the project.

5. Despite the general calm that prevailed during the reporting period, a number of violent incidents involving martial arts groups occurred, which gave rise to public concerns about overall security, including a fight between two rival martial arts groups in Dili on 19 December that resulted in one person's death and another seriously wounded (see para. 18 below). In response to this and other incidents, on 22 December the Council of Ministers adopted a resolution which prohibits and criminalizes the activities of martial arts groups for one year and also bans certain gambling activities for an indefinite period. The resolution further requires that any member of the Polícia Nacional de Timor-Leste (PNTL) or of F-FDTL found to be involved in such activities be subject to disciplinary measures, including dismissal from their respective institutions, pursuant to the applicable laws.

6. Timor-Leste continued its active engagement in several initiatives as a bilateral and regional partner, as well as its cooperative relations with Indonesia. The Chairman of the National Electoral Commission led a delegation at the first four-day forum of Association of Southeast Asian Nations (ASEAN) electoral management bodies, held in Jakarta from 3 to 6 October, at which participants discussed the possibility of sending an ASEAN observer mission to the 2012 elections in Timor-Leste. Timor-Leste's formal application for ASEAN membership was discussed at the nineteenth ASEAN Summit, held in Bali on 17 November, which resulted in the establishment of an ASEAN Coordinating Council Working Group to review the application. The President of Indonesia, Susilo Bambang Yudhoyono, who chaired the Summit, publicly reiterated his country's full support for the membership of Timor-Leste. In my opening remarks to the fourth ASEAN-United Nations Summit, held in Bali on 19 November, I also expressed support for the membership of Timor-Leste in ASEAN.

A. Support for dialogue and reconciliation

7. My Special Representative continued her good offices through regular meetings with the President, the Prime Minister, the President of Parliament and the Secretary-General of the Frente Revolucionária do Timor-Leste Independente (Fretilin). Among the main issues discussed were the transition process, election preparations, and support for the further institutional strengthening of PNTL. She also continued hosting meetings with representatives of all political parties, women political party representatives and representatives of civil society. Participants, including those from smaller parties not represented in Parliament, continued to view those meetings as an opportunity to interact with other parties and the United Nations. My Deputy Special Representative for Governance Support, Development and Humanitarian Coordination continued to have regular meetings with the Deputy

Prime Minister to discuss issues relating to governance and development, including United Nations electoral support. My Deputy Special Representative for Security Sector Support and the Rule of Law continued to meet with the Secretaries of State for Security and for Defence to discuss policing and broader security sector issues, including UNMIT support for further capacity-building of PNTL.

8. Efforts continued to enhance women's participation in political and electoral processes. On 22 September in Dili, the Secretary of State for the Promotion of Equality held a meeting with women representatives of political parties to discuss preparations for the 2012 elections. At a follow-on meeting on 22 November, women representatives from 15 out of 23 political parties signed the Women's Political Platform for the parliamentary elections in 2012, prepared by the women's wings of political parties at the initiative of the Secretary of State for the Promotion of Equality, with an additional five parties having signed as at 28 December. On 5 and 6 December, a steering committee composed of Members of Parliament as well as representatives of the Secretariat of State for the Promotion of Equality, the electoral management bodies, civil society, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Development Programme (UNDP) and UNMIT, organized a national conference on the theme "Women's leadership leads us to peace and stability". The conference resulted in the adoption of a strategic framework for enhancing women's leadership and participation in the 2012 elections, including 14 action points for the Government, political parties and civil society.

9. To increase youth interest and participation in political processes, in November the Secretary of State for Youth and Sports, with assistance from the United Nations Children's Fund (UNICEF), finalized the Youth Parliament Strategic Framework for the period 2012-2015, to be discussed and adopted by the Council of Ministers in early 2012.

B. Enhancing democratic governance

10. On 28 December, the National Electoral Commission approved subsidiary legislation for the 2012 elections drafted by the Technical Secretariat for Electoral Administration. The legislation comprises regulations on the electoral campaign, voting, counting and tabulation procedures, as well as the nomination of candidates for the presidential and parliamentary elections. It also includes codes of conduct for candidates, party and candidate agents, the media, national and international observers, and political parties and coalitions. Further, on 5 January, Parliament adopted amendments to the laws on the election of the National Parliament and the election of the President of the Republic, which rule out overseas voting in the 2012 elections; both amendments had been approved by the Council of Ministers on 28 December 2011. The preceding measures complete the legal framework for the elections. Voter registration, which began on 1 July, was originally scheduled to end on 15 December, but an additional registration period was opened from 3 to 11 January. The final voters' roll is expected to be completed by the end of January.

11. The Mission deployed 62 United Nations Volunteers to all 13 districts to support the national electoral management bodies, and the recruitment of an additional 68 United Nations Volunteers is ongoing. The electoral management

bodies, with continued support from UNMIT, UNDP, UN-Women and UNICEF, led voter and civic education efforts targeting women and youth, and first-time voters.

12. In 2011, the Anti-Corruption Commission opened 22 investigations against public officials, 8 of which have been completed and submitted to the Office of the Prosecutor-General for further legal action, including 1 during the reporting period. The Commission, with support from UNMIT, continued to conduct the self-assessment by Timor-Leste of its compliance with the United Nations Convention against Corruption. On 20 October, the Commission published a report on the private use of Government vehicles and fuel, estimating that such use increased Government fuel costs by 33 per cent. In his speech on the occasion of Anti-Corruption Day on 9 December, President Ramos-Horta warned against the negative impact on the economy of the misuse of the country's limited oil revenues, while my Special Representative called upon the national institutions to be bold in their fight against corruption and send a strong signal that it would not be tolerated. On 12 December, Parliament approved the Law on Preventing and Combating Money-Laundering and Financing of Terrorism, which was signed by the President on 15 December.

13. With support from UNMIT, democratic governance forums were organized in 13 villages between 13 October and 24 November. Over 1,000 people participated in discussions with community leaders and Government officials on issues of local concern, including local development and land disputes. On 6 December in Dili, UNMIT facilitated the last democratic governance forum at the national level for 2011 on the topic "Food security in Timor-Leste", at which the 75 participants engaged in discussions with Government and representatives of non-governmental organizations.

14. The Association of Journalists in Timor-Leste held its second congress in Dili on 15 and 16 October, with support from the United Nations Educational, Scientific and Cultural Organization (UNESCO). During September and October, UNMIT provided in-house training to five media officers from the Office of the President in the areas of radio and video production, as well as photography, as part of a capacity-building agreement between the two entities.

15. Progress continued towards achieving the benchmarks of the medium-term strategy (see S/2009/72, para. 47) relating to a culture of democratic governance and dialogue. The promulgation of the Law on Preventing and Combating Money-Laundering and Financing of Terrorism is expected to help to promote transparency and anti-corruption efforts. Meanwhile, public debate continued, including in Parliament and the media, on the need to combat corruption. In view of the growing State budget and public spending, the implementation of the law establishing the Audit Chamber of the High Administrative Tax and Audit Court, approved by Parliament on 6 July (see S/2011/641, para. 17), is crucial. In this context, it is encouraging that the designated staff for the Chamber is currently undergoing training in Portugal.

C. Maintenance of public security

16. The security situation in the country remained stable, with the reported crime rate remaining low after the resumption by PNTL of policing responsibilities on 27 March 2011 (see S/2011/641, para. 8). Pursuant to the exchange of letters between

the Government and UNMIT (ibid.) and a standing request from the PNTL General Commander, UNMIT police continued to provide operational support to PNTL in several areas, including close protection, joint patrols and border policing. On some occasions, F-FDTL military police were also deployed in operations related to internal security incidents.

17. Offences relating to assault, domestic and gender-based violence continued to constitute the majority of reported crimes. Separately, of concern are a number of incidents involving PNTL officers, the most serious being a fatal shooting of a young woman allegedly by two off-duty PNTL members in Bobonaro District on 5 November. PNTL arrested the officers, who remain in pretrial detention while undergoing criminal investigations and PNTL disciplinary procedures.

18. Violent incidents involving martial arts groups prompted the 22 December decision by the Government to suspend their activities for one year (see para. 5 above). In response to reports that PNTL members were involved in fights between martial arts groups, the Council of Ministers further decided that any PNTL or F-FDTL members found to be involved in such incidents would be subject to disciplinary measures, including dismissal from their respective institutions, pursuant to the organic laws and disciplinary statutes of those institutions. Meanwhile, PNTL, with UNMIT police support, has begun to investigate the incidents, including the alleged involvement of PNTL officers, with one officer suspended as at 23 December.

19. UNMIT police continued to conduct joint patrols with and provide support and advice to the Border Patrol Unit of PNTL at the five border-crossing points with Indonesia. UNMIT military liaison officers continued to facilitate effective working relationships between the border security agencies of Timor-Leste and Indonesia and to monitor the security situation along the border area, with a focus on the three remaining unresolved segments of the land border. UNMIT military liaison officers further continued to monitor security throughout Timor-Leste, and to liaise closely with the international security forces.

20. Following a planned reduction, as at 6 January, 1,197 officers, including 93 women, were deployed as part of the UNMIT police, 489 of them in formed police units. Of the latter, 284 officers were deployed in Dili.

D. Support for and institutional strengthening of the security institutions

21. Since my previous report, UNMIT police continued to focus on the implementation of the PNTL-UNMIT Police Joint Development Plan signed on 23 February (see S/2011/641, para. 26), while maintaining a capacity to provide operational support if required and requested (see S/2011/32, para. 60). As noted in my previous report (see S/2011/641, para. 27), the Joint Development Plan focuses on five priority areas for UNMIT police capacity-building support: legislation, training, administration, discipline and operations. As at 6 January, UNMIT police completed 175 (30 per cent) of the 576 training and capacity-building activities outlined in the Plan. They included on-the-job training, workshops and 182 training courses, attended by a total of 1,524 PNTL officers (273 of them women) in the areas of legislation, discipline, administration, human rights, gender awareness, domestic violence law, petty cash management, forensics, arrest procedures, public

order management and intelligence-gathering. Among other initiatives, UNMIT police provided 57 specialized courses on close protection, supervision, map reading, armoury management and basic forensics, attended by a total of 746 PNTL officers (66 of them women). Those initiatives also included a training meeting held on 6 January between PNTL, F-FDTL, UNMIT police and the Military Liaison Group, and international security forces to discuss operational planning, emergency response planning, incident control and command systems in preparation for future desktop exercises on election security. UNMIT police also produced a legislative compendium (in Portuguese, Tetum and English) for PNTL.

22. In order to improve its administrative structures and managerial systems, PNTL established high-level working groups, including UNMIT police representatives, to review legislative and administrative policies and procedures, and develop a human resources database. Further, PNTL and UNMIT police continued to implement a joint programme on strengthening police capacity in Timor-Leste, which is funded by UNDP and aims at supporting the implementation of the Joint Development Plan (see S/2011/641, para. 27). Within that framework, PNTL and UNMIT police have improved police infrastructure (warehouses, vehicle repair workshops, vulnerable persons units, detention centres and duty officer rooms), organized training courses (election preparations, internal audit and discipline) and supported the finalization of the PNTL promotions regime. The UNMIT police also created the electronic supervision monitoring, advising, assisting, reporting, and training (e-SMAART) system, to track overall performance and identify areas for improvement in the operations of both UNMIT police and PNTL. In preparation for the 2012 elections, which are expected to test the PNTL capacity to maintain security, PNTL continued to focus on operational planning, with technical advice from UNMIT police. PNTL and UNMIT police further conducted a series of courses on elections preparation for all commanding officers, including a joint planning exercise on 9 December.

23. The Joint Evaluation Team, chaired by the PNTL General Commander and the UNMIT Police Commissioner, continued to meet on a monthly basis to oversee the implementation of the Joint Development Plan. Pursuant to the reconstitution phase referred to in the 26 March 2011 exchange of letters (see S/2011/641, para. 26), the Government and UNMIT agreed that any decision on the final reconstitution of PNTL should come after the elections and formation of the new Government in 2012. To assess progress following the resumption of policing responsibilities by PNTL, UNMIT completed six-month post-resumption evaluations of PNTL in Bobonaro and Covalima districts, which revealed a continued shortage of vehicles, information and communications technology equipment and office resources, as well as persistent weaknesses in such crucial areas as criminal investigations, community policing, and disciplinary accountability. To address the PNTL logistic needs, the Government increased the 2012 PNTL budget by nearly $2 million, to $19.9 million. In addition, PNTL will receive $4.1 million from the Ministry for Defence and Security (including an estimated $2.3 million for vehicle purchases and $1.79 million for information, communications and security equipment), amounting to a total PNTL budget of $24 million, representing an increase of around $6 million from 2011.

24. As at 1 January, UNMIT had selected candidates for 233 (29 of them women) of the 257 specialized adviser posts that UNMIT had identified, in collaboration with Government counterparts (see S/2011/641, para. 28), to provide training and capacity-building support in the five priority areas set out in the Joint Development Plan. Another 75 candidates have been selected to provide specialized assistance in

14 specific technical areas. In addition, 18 civilian experts (6 of them women) within the UNMIT police component continue to provide specialized advice to PNTL. However, the recruitment and retention of qualified UNMIT police advisers beyond their initial period of deployment and up until the end of the UNMIT mandate remains a recurring challenge.

25. On 21 November, PNTL, through its Superior Council, recommended the dismissal of seven PNTL officers and the suspension of an eighth officer, owing to administrative offences and financial misbehaviour. As noted in my previous report (see S/2011/641, para. 29), the Office of the Secretary of State for Security completed its review of the 199 officers with pending criminal or disciplinary issues, with criminal and/or disciplinary action recommended against 121 officers. As at 1 January, the cases were still pending referral to the Office of the Prosecutor-General or further internal disciplinary investigation.

26. Timor-Leste continues to be a leader in the Asia-Pacific region in terms of women in the police service, who currently comprise 573 of the 3,138 PNTL officers (18 per cent). UNMIT, the United Nations Population Fund (UNFPA) and UN-Women continued to provide training on gender equality and domestic violence to PNTL in the districts.

27. F-FDTL continued to strengthen its institutional and human resource capacities, with support from bilateral partners and UNMIT. In that context, F-FDTL began training three military disciplinary officers to strengthen implementation of internal disciplinary procedures. UNMIT military liaison officers continued to provide mentoring to F-FDTL officers in preparation for the deployment of the latter to the border districts as liaison officers, and to implement capacity-building initiatives to prepare F-FDTL officers for possible service in United Nations peacekeeping missions. UNMIT military liaison officers conducted a United Nations military observer mentoring course for six F-FDTL officers from 3 to 14 October, and a peacekeeping operations seminar for the land component of the F-FDTL in Baucau on 24 and 25 October. Following mentoring by UNMIT military liaison officers, the first Timorese military observer was deployed to the United Nations Mission in South Sudan, on 28 October.

E. Support for a comprehensive review of the security sector

28. The report on the comprehensive review of the security sector entitled "Securing the future" is pending resubmission by the Secretary of State for Security to the Council of Ministers for final approval. Prepared with technical support from UNMIT, the document includes a review of the legislative framework for the security sector, a threat assessment and a review of governance and security sector institutions in Timor-Leste. In the interim, the Office of the Secretary of State for Security continued to review the draft national security policy, and prepare legislation and regulations on civil protection, border management and private security companies, with technical advice and support from UNMIT.

29. Progress continued in the implementation of a security sector development project by UNMIT and UNDP aimed at strengthening the civilian oversight and management capacity within the security sector (see S/2011/641, para. 35). Within that framework, a national rescue operations centre is being established, with technical advisory support from UNMIT, and a two-month course on defence and

security was conducted from 10 October to 2 December, providing 30 staff from national security institutions with training in strategic security planning. Further, a workshop on parliamentary oversight of the intelligence services was held from 30 November to 1 December, which was attended by parliamentarians and representatives of the National Intelligence Service, the Immigration Department, F-FDTL, PNTL, civil society, the diplomatic corps and United Nations partners. The Secretariat of State for Defence and F-FDTL, with technical support from UNMIT, developed a new force development plan 2011-2017, approved by the Government on 28 October, which envisages an increase in the size of F-FDTL from 3,000 to 3,600 personnel by 2020. Meanwhile, the Secretariat continued to review the F-FDTL Organic Law to bring it in line with the new plan.

30. Some progress was made towards achieving the objectives and benchmarks of the medium-term strategy in the area of support for security sector institutions, including the completion of the F-FDTL Force Development Plan 2011-2017 (see para. 29), which includes disciplinary mechanisms. In addition, steps were taken towards establishing a civilian oversight body of the national intelligence services. However, further efforts are needed to implement the legislative and policy framework, including by finalizing the national security policy as well as the review of the F-FDTL Organic Law and adopting pending draft laws aimed at improving the accountability of the security forces.

III. Promotion of human rights and justice

A. Support for the monitoring, promotion and protection of human rights

31. During the reporting period, UNMIT received allegations of 29 cases of ill-treatment or excessive use of force by members of PNTL and 5 cases by members of F-FDTL. On 26 October, the Dili District Court sentenced a former F-FDTL member to 18 years' imprisonment for aggravated homicide in the fatal beating of an elderly woman in Dili District on 15 May (see S/2011/641, para. 37). As noted above, on 5 November, two off-duty PNTL members allegedly shot and killed a 19-year-old woman in Bobonaro District (see para. 17). The two PNTL members were arrested and remain in pretrial detention, while undergoing criminal investigations and PNTL disciplinary procedures. On 24 November, in Dili District Court, the trial began of a PNTL officer in relation to a shooting incident on 28 December 2009 in Dili that resulted in the death of one civilian and injury to another (see S/2011/32, para. 33). No indictment has yet been filed in the case of an alleged assault by members of the F-FDTL against a civilian in Lautem District on 27 August 2010, which resulted in his death (ibid.). Despite some efforts to ensure accountability for crimes committed by members of the security forces, internal disciplinary mechanisms within the PNTL and F-FDTL need further strengthening. In particular, it is crucial to ensure transparency and consistency in the implementation of disciplinary procedures and the enforcement of penalties applied. In that regard, new disciplinary regulations for PNTL are currently under consideration by the Government.

32. The Ministry of Social Solidarity, with support from UNICEF, conducted countrywide social mobilization campaigns on child protection, targeting community leaders, families and children. During the reporting period, the National Commission

on the Rights of the Child conducted campaigns in several districts to raise awareness on children's rights. The Ministry of Justice, in collaboration with the Ministry of Health and with support from UNICEF, established three civil registry posts at referral hospitals in Baucau, Bobonaro and Oecusse districts to increase the number of children registered at birth. Timor-Leste has had remarkable success in increasing birth registrations, with under-5 coverage increasing from 55 per cent in 2010 to an estimated 80 per cent in 2011. The draft children's code, which was presented to the Council of Ministers on 17 August 2011, is pending approval.

33. Progress continued to be slow with respect to holding accountable those responsible for crimes and serious violations of human rights during the 2006 crisis. As at 6 January, final judgements had been rendered in seven cases, while four cases had been closed. As at 6 January, at least one of the three F-FDTL members convicted of homicide and attempted homicide for the deaths by shooting of eight PNTL officers on 25 May 2006, and dismissed from F-FDTL on 27 May 2011 (see S/2011/641, para. 33), was occupying a high-level civilian post in the Secretariat of State of Defence, in possible contravention of the Civil Service Code. My Special Representative expressed concern on the matter to the Government.

34. Under the supervision of the Office of the Prosecutor-General, the UNMIT Serious Crimes Investigation Team continued its investigations into cases relating to crimes against humanity and other serious crimes committed between 1 January and 25 October 1999. As at 6 January 2012, investigations into 250 of the 396 outstanding cases (63 per cent) had been concluded, 15 during the reporting period. Thirty-one cases are currently under investigation, including two relating to alleged gender-based violence. UNMIT police are assisting in the investigations. On 26 September 2011, the conviction and sentence to nine years' imprisonment of a former Besi Merah Putih militia member for murder as a crime against humanity, committed on 6 September 1999 in Liquiçá, were upheld on appeal (see S/2011/641, para. 43). The convicted former militia member was not, however, taken into custody, and his whereabouts remain unknown. Parliament has yet to resume debate on the two draft laws on reparations and on the follow-up institution to the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship (ibid., para. 7, and S/2011/32, para. 8).

35. On 12 October, Timor-Leste was reviewed at the twelfth session of the Working Group of the United Nations Human Rights Council, under the universal periodic review mechanism. Representatives of the Government presented the Timor-Leste national report, which highlights the progress made and challenges faced in efforts to promote and protect human rights in the country. Members of the Working Group adopted the report and made 125 recommendations, including Timor-Leste's accession to additional international human rights instruments and timely reporting as required under those instruments; justice and reconciliation for past human rights violations, including reparations for victims; and ensuring full respect for the rights of women and children.

36. The Secretariat of State for the Promotion of Equality completed the follow-up report to the Committee on the Elimination of Discrimination against Women on actions taken in response to the Committee's concluding comments on Timor-Leste's first report. On 23 November, the Secretariat organized a briefing on the follow-up report for national stakeholders and partners, with support from UN-Women, UNFPA and UNICEF. The Office of the Provedor for Human Rights

and Justice monitored detention facilities, with support from UNMIT; increased its human rights investigations while finalizing standardized procedures for the investigation of human rights abuses; and developed its strategic plan for 2011-2020.

37. From 13 to 18 November, the United Nations Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, conducted an official mission to Timor-Leste at the invitation of the Government, to collect first-hand information on the situation of people living in poverty and to understand the initiatives taken by the authorities to improve their situation. In a statement on 18 November, the Special Rapporteur highlighted the commitment of the Government to eradicate poverty, but noted the rising inequality in living standards between the urban and rural areas. The Special Rapporteur called for meaningful participation for all, particularly rural populations, in the development process and for increased budget allocation for social services and human development.

38. UNMIT continued to give high priority to the zero-tolerance policy on sexual exploitation and abuse, including through the provision of conduct and discipline training and sexual exploitation and abuse awareness programmes in its four regional offices. The HIV/AIDS Unit continued its awareness programme. From 20 September to 6 December, 206 staff (including 29 women) of UNMIT and United Nations agencies received HIV/AIDS-related training.

B. Support for capacity-building and strengthening of the justice system

39. The positive trend of further reducing the number of pending criminal cases continued, with 700 cases processed between 1 October and 30 November, according to statistics released on 9 December by the Office of the Prosecutor-General. With 636 new criminal cases registered, there are 4,644 pending cases. The implementation of the new case management system remains critical to maintain this trend, along with the need for increased cooperation between police and prosecution services. During the reporting period, the National Directorate of Prison Services and Social Reintegration, with support from UNMIT and UNDP, continued the development of a parole system aimed at social reintegration and vocational training. Vocational training programmes for prisoners were successfully implemented and work continued on strengthening internal prison policies. The organic structure of the prison service has been revised, with technical support from UNMIT and UNDP, to align with the objectives of the Justice Sector Strategic Plan for Timor-Leste (see S/2010/522, paras. 4 and 38).

40. Further progress was made towards completing the legal framework, including adoption of the new law on international judicial cooperation on criminal matters, which entered into force on 26 December. However, concerns have been raised by civil society with respect to the new Civil Code promulgated on 13 September, noting shortcomings in the legislative consultation process and the lack of conformity with the international human rights standards related to the prohibition of discrimination affecting mainly the section on family law. In addition, the draft law to establish the recognition of customary law remains under review by the Ministry of Justice.

41. The Government, in partnership with relevant stakeholders, continued to develop a national action plan on gender-based violence. On 28 September, a

workshop on enhancing coordination between the police and the Prosecutor-General's Office to strengthen the enforcement of the Law against Domestic Violence was organized by the Office of the Prosecutor-General and the PNTL Vulnerable Persons Unit, in collaboration with UNMIT and UNDP. The initiative was followed by training provided by the Secretariat of State for the Promotion of Equality, UNMIT, UNFPA and a bilateral partner in Baucau, Covalima and Liquiçá districts, to enhance the investigative skills of PNTL officers in the area of domestic violence. Further, on 16 November, the Secretariat of State for the Promotion of Equality, in cooperation with the Ministry of Social Solidarity, UNMIT, UN-Women, UNFPA and the International Organization for Migration, and with bilateral support, started a capacity-building initiative to increase the capacity of PNTL to prevent and investigate gender-based violence. To promote awareness of the law against domestic violence, the Ministry of Justice, the courts, the Office of the Public Defender and the Office of the Prosecutor-General, with UNDP support, drafted, produced and disseminated outreach material on domestic violence.

42. Some progress was made towards meeting the objectives and benchmarks of the medium-term strategy in the area of the rule of law, justice and human rights. In an effort to further strengthen the capacity of national legal actors, the fourth training course for judges, prosecutors and public defenders commenced at the Legal Training Centre, on 14 November. However, although 45 places were available on the course, only 15 candidates (4 of them women) passed the entrance exam (out of 200 applicants), raising concerns about the level of legal education in the country. The overall capacity of the Legal Training Centre needs to be reinforced, including through the additional mentoring of its national staff. National judicial actors also require further training, particularly in specialized prosecution areas such as economic crimes. The effective implementation of new laws remains a concern, as highlighted in the recommendations made by several Member States in the Working Group on the Universal Periodic Review.

IV. Support for the national priorities programme, socio-economic development and humanitarian assistance

A. Support for the national priorities programme process

43. On 27 October, the Minister of Finance chaired the third quarterly development partners meeting to review the progress made by the national priorities working groups, including those on rural infrastructure and health. The national priorities programme, the targets of which constitute the international compact for Timor-Leste, formally concluded in December. UNMIT and the World Bank continued to support the national priorities secretariat. The National Directorate for Aid Effectiveness of the Ministry of Finance has begun to develop modalities for a successor programme to the national priorities programme for the implementation of the Timor-Leste Strategic Development Plan for 2011-2030 (see S/2011/641, paras. 7 and 51).

44. From 17 to 19 October, the Prime Minister and the Minister of Finance participated in a retreat of the Group of Seven Plus fragile States on the topic of moving from fragility to development, held in Juba, South Sudan, and from 29 November to 1 December, the Minister of Finance attended the Fourth High-

level Forum on Aid Effectiveness, held in Busan, Republic of Korea. At the High-level Forum, the Group of Seven Plus fragile States, co-led by Timor-Leste, endorsed a new deal for engagement in fragile States, which sets out five peacebuilding and State-building goals (legitimate politics, security, justice, economic foundations, and revenue and services) to guide the priorities and engagements in fragile States, and facilitate their progress towards achieving the Millennium Development Goals.

B. Socio-economic development

45. Volatile and high prices in commodity markets worldwide continued to affect the economy of Timor-Leste, increasing its income from oil and gas revenues but raising the prices of food and fuel. This was reflected in high rates of inflation which, according to the consumer price index of the National Directorate of Statistics, would reach approximately 12 to 14 per cent in 2011. According to the Transparency Portal of the Ministry of Finance, budget execution, including commitments, reached 94.7 per cent of the 2011 budget as at 28 December. The 2012 State budget of $1.67 billion was approved by Parliament on 25 November, with 54 per cent allocated to infrastructure and capital development. According to the Central Bank of Timor-Leste, the Petroleum Fund reached $8.9 billion as at 30 September.

46. As part of the Government's national electrification plan, on 28 November President Ramos-Horta inaugurated the new electric power plant in Dili District and the transmission line for northern Timor-Leste, aimed at providing electricity 24 hours a day to that part of the country. A second electric power plant in Manufahi District to supply the south is expected to be inaugurated in 2012.

47. The Ministry of Health intensified nutrition activities under its maternal and child health and nutrition programmes and supplementary feeding programme, targeting 115,000 beneficiaries, and provided nutrition training to district-level health personnel and volunteers, with assistance from the World Food Programme (WFP). Government efforts to address maternal health issues also intensified, with UNFPA support, including the provision of training on emergency obstetric care for midwives and newly graduated doctors, and the procurement of necessary equipment.

48. On 1 October, the Secretariat of State for Professional Training and Employment, with support from WFP, launched a pilot project on conditional cash transfers in Bobonaro District. The project targets around 5,000 food-insecure households, with an estimated 25,000 beneficiaries in disaster-prone areas. The Secretariat, with support from the International Labour Organization, also continued with the implementation of the Youth Employment Promotion Programme, assisting 2,116 job and training seekers (48 per cent women) through its employment and career guidance services, while 926 trainees (86 per cent youth, 51 per cent women) graduated from vocational training courses, and another 741 people (92 per cent youth, 39 per cent women) participated in work experience programmes aimed at facilitating school-to-work transition. In addition, 859 trainees (44 per cent youth, 85 per cent women) participated in business training courses and were provided with subsequent access to microcredit for business start-up. Further, cash-for-work activities involving 7,564 people (40 per cent youth, 28 per cent women) continued in rural areas of all districts.

49. At an event in Dili on 4 November, the National Statistics Directorate of the Ministry of Finance, with support from UNFPA, launched the giving back the census project to disseminate the key findings and results of the 2010 population and housing census to all *sucos* (villages) in the districts.

C. Humanitarian assistance

50. On 1 and 2 December, UNMIT, in cooperation with the Secretary of State for Social Assistance and Natural Disasters and with support from the United Nations Office for the Coordination of Humanitarian Affairs, organized a workshop on disaster risk management, to review the state of preparedness for natural disasters and discuss the contingency planning process. From 20 to 23 November, my Special Representative for Disaster Risk Reduction, Margareta Wahlström, visited Timor-Leste to assist the Government in integrating disaster risk reduction and climate change adaptation strategies into the national development policies and plans.

V. Transition preparation

51. UNMIT and the Government, together with other stakeholders, made further progress in the transition process, based on the Joint Transition Plan signed by the President, the Prime Minister and my Special Representative on 19 September. On 12 December, at its sixth meeting, hosted by the President and attended by Government representatives, the PNTL General Commander, the F-FDTL Commander and my Special Representative and senior management team, the High-level Committee on Transition reviewed progress in the transition focus areas of police and democratic governance, and also addressed issues related to UNMIT support to air transport and civil aviation management.

52. The Government and UNMIT also took further steps to ensure a coordinated transfer of certain UNMIT equipment to national authorities, pursuant to the Financial Regulations and Rules of the United Nations and subject to approval by the General Assembly. The Joint Transition Plan envisages the early transfer of certain UNMIT equipment to the national authorities, to allow them to familiarize themselves with its use and maintenance while the Mission still has a presence to assist in overcoming challenges that may arise. In a sign of commitment to addressing the practical implications of the anticipated departure of UNMIT, the President inspected the Mission facilities for fleet management, aviation and medical services on 1 November. On 22 December, the Prime Minister signed a decree establishing an inter-ministerial committee to manage the expected transfer of any UNMIT assets, in collaboration with the Mission. The mandate of the committee includes working with all national institutions that may receive UNMIT assets to ensure accountable use as well as repair and maintenance. Further, the High-level Committee reviewed the implications of the departure of UNMIT in the areas of police, air support, geographic information, and translation and interpretation services.

53. Further efforts were made to garner support among domestic and international partners for the implementation of the Joint Transition Plan. As a follow-up to his briefing to the diplomatic community in Dili on 14 September (see S/2011/641, para. 58), the Deputy Prime Minister, on 27 October, provided a briefing on the Plan

to Member States at United Nations Headquarters in New York, which was organized with support from the Department for Peacekeeping Operations. My Special Representative complemented those efforts through her regular discussions with the Government, political parties and civil society as well as with the representatives of Member States both in Dili and New York.

54. The Government and the United Nations also continued to discuss the issue of post-UNMIT United Nations engagement in Timor-Leste. In ongoing discussions with Government representatives, it was reiterated that a United Nations presence after the departure of UNMIT should be based on, inter alia, the four models set out in the Joint Transition Plan (see S/2011/641, para. 57). Options will be defined through assessments and consultations with all stakeholders, and subject to the approval of the new Government to be formed after the 2012 elections. A small delegation from United Nations Headquarters will conduct an assessment visit to Timor-Leste in early 2012 to consult with the Timor-Leste authorities and other relevant stakeholders on possible needs and requests for United Nations engagement in Timor-Leste post-UNMIT.

55. Meanwhile, as part of the implementation of the Joint Transition Plan and on the basis of a request from the Government of Timor-Leste, the Office of the United Nations High Commissioner for Human Rights sent an assessment mission to Timor-Leste from 3 to 8 October to consult with the Government, the United Nations and other stakeholders on the nature, scope and modalities of a future human rights presence in the country. All interlocutors affirmed the need for a continued international human rights presence in Timor-Leste after 2012.

56. In the context of ongoing preparations for post-UNMIT United Nations engagement, UNMIT and the United Nations country team further enhanced coordination, including on the development of a portfolio of transition projects that the country team intends to strengthen during the period 2012-2014. Addressing key challenges identified in the Joint Transition Plan and the Timor-Leste Strategic Development Plan, the portfolio comprises some 40 projects with a total annual budget of approximately $27 million, aimed at ensuring that Timor-Leste's progress is sustained following the departure of UNMIT. A Member States consultation on Timor-Leste is planned for the end of February to draw attention to the need for United Nations agencies, funds and programmes to continue some of the activities currently performed by UNMIT.

VI. Financial aspects

57. As noted in my previous report (see S/2011/641, para. 61), the General Assembly, by its resolution 65/297, appropriated $196.1 million for the maintenance of UNMIT for the period from 1 July 2011 to 30 June 2012. As at 30 November, unpaid assessed contributions to the Special Account for UNMIT amounted to $50.9 million. Outstanding assessed contributions for all peacekeeping operations as at that date totalled $3,811.6 million.

58. As at 28 December, amounts owed to formed police contributors to UNMIT totalled $2.9 million. Reimbursement of personnel and contingent-owned equipment costs has been made only for the periods up to 31 August 2011 and 30 June 2011, respectively, owing to the insufficiency of cash in the Special Account of the Mission.

VII. Observations and recommendations

59. Steady progress has been made in the preparations for the presidential and parliamentary elections in 2012, as reflected by the approval of subsidiary electoral legislation by the National Electoral Commission, the successful conduct of voter registration and ongoing efforts by the electoral management bodies to increase the participation of women and youth in the electoral process. It is encouraging that all political leaders have continued to express their commitment to peace and stability during the electoral process as well as dialogue, including within the framework of the Church-led initiative. At the same time, my Special Representative will continue to play her good offices role vis-à-vis all parties to ensure a peaceful and credible political process. The general stability that prevailed in 2011 may therefore be expected to continue in 2012, a year that will mark the tenth anniversary of the restoration of Timor-Leste's independence.

60. The upcoming elections could nevertheless reignite localized tensions among individuals and groups, including martial arts groups and, as noted in my previous report (see S/2011/641, para. 64), pose a test for the ability of PNTL to respond to security challenges. It is therefore reassuring that PNTL, with support from UNMIT police, has made operational planning for the elections a key priority. UNMIT police will continue to stand ready to provide operational support to PNTL, if required and requested, during the electoral period and beyond, particularly taking account of the logistical constraints that PNTL is still facing (ibid.). In view of the challenges still facing PNTL, including logistical challenges, I welcome the commitment made by the Prime Minister during the parliamentary debate on the 2012 State budget, to ensure the necessary capital investment in the PNTL logistical capacity. I encourage all concerned to make such investment in a timely manner to ensure that PNTL has adequate logistical capacity prior to the departure of UNMIT.

61. It is also critical to intensify efforts to further strengthen the institutional development of PNTL, particularly in the areas of criminal investigations, community policing and internal accountability. I therefore encourage Member States as well as bilateral and multilateral partners to engage with the Government and UNMIT to ensure continued support in these areas, following the withdrawal of UNMIT. To ensure the effective implementation of the PNTL-UNMIT Police Joint Development Plan, I also wish to reiterate my appeal to all countries concerned to approve requests for the extension of deployment of police officers serving in key UNMIT positions.

62. I believe that further progress towards the implementation of the recommendations of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship would have a positive impact on long-term peace and stability in Timor-Leste. In that connection, I hope that Parliament will soon resume debate on the two draft laws on reparations and on the follow-up institution to the Commissions.

63. Despite the remarkable economic growth achieved in recent years, further efforts are required to promote inclusive, equitable and sustainable growth in Timor-Leste. In that respect, it is crucial that adequate resources be allocated to vital areas, including agriculture, health and nutrition, education and employment-generation, particularly for youth and women. As the United Nations country team will continue its engagement in Timor-Leste after the departure of UNMIT, it will be critical to

secure funding to cover the gaps in these areas, some of which are identified in the Joint Transition Plan.

64. I commend the continued progress in the joint transition process, in view of the expected departure of UNMIT at the end of 2012. In that context, I welcome the Mission's focus on enhancing the skills of its national staff through a comprehensive capacity-building and training programme. While the Mission should focus on the completion of its mandated tasks in 2012, parallel efforts should be made to ensure that those functions currently provided by UNMIT which would be needed beyond the anticipated end of its mandate, are either transferred to State institutions or taken over by bilateral and multilateral partners, the United Nations country team or other entities. In that regard, the effective implementation of the Joint Transition Plan, accompanied by regular review, is necessary to ensure its responsiveness to developments on the ground, and should be a key priority for UNMIT, the Government and all other stakeholders concerned in the period ahead. I expect that the extent to which the objectives of the Joint Transition Plan may be achieved by the end of 2012 will influence the final decision on the nature and size of the post-UNMIT United Nations engagement in Timor-Leste.

65. In view of the continued need for UNMIT support in its mandated priority areas in the period ahead, particularly in regard to support for the further institutional development and capacity-building of PNTL and election-related assistance, I recommend a further extension of the mandate of UNMIT until 31 December 2012. If the security situation permits, the UNMIT police component will commence its gradual downsizing as soon as possible after the elections, beginning in the districts. The number of military liaison officers will also be gradually reduced. In that connection, I intend to submit a report to the Security Council within 60 days after the formation of the new Government with my suggestions on the way forward in order to enable UNMIT and the Government to finalize preparations for the anticipated withdrawal of the Mission and planning for the eventual establishment of a post-UNMIT United Nations presence in Timor-Leste. Given the limited remaining time before the anticipated departure of UNMIT, I call upon all stakeholders, including the Timorese authorities, UNMIT and the United Nations country team as well as bilateral and multilateral partners, to continue to work together and intensify their efforts towards the effective implementation of the Joint Transition Plan.

66. In conclusion, I wish to thank my Special Representative, Ameerah Haq, for her leadership, and all of the personnel of UNMIT and the United Nations country team for their continued efforts in supporting the people of Timor-Leste in advancing peace, stability and development. I also wish to thank the international security forces for their continued support to UNMIT, including with respect to the maintenance of a stable security situation in Timor-Leste.